LAW AND CUSTOM

671 Among the moutaineers the rights and duties of each individual and penalties for offences were regulated in detail by an unwritten body of rules (adat), which remained largely unchanged among the Christian Kartvelians, and which never quite yielded to
628 Muslim law (shariate). Among the North Caucasians, a killing - whether deliberate or accidental -- resulted in a blood feud, which could last for generations. The revenge had to be carried out by a close male relative, usually a brother or son. Friends of the blood-guilty could try to arrange a peace, and the injured family could then accept a "blood-price," which varied according to the social rank of the victim.
[608] Also, the milk-relationship[1] was considered so sacred that its establishment could end a feud. Thus among the Circassians a person guilty of blood could kidnap a young child from the injured family and bring it up; he thus became the child's atalyk and a milk-relationship was established between him and the family.

Besides manslaughter, blood feuds also resulted from abduction of married women, adultery, and from certain grave insults, e. g. throwing out of the house the kettle that was suspended over the hearth; among the Tush, who were seminomadic pastoralists, also from cattle-stealing.

681 For less serious injuries the adat prescribed in detail compensations in kind. E. g.

[1] [Cf. cat. 116, pp. 527-528 -- Analyst]

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[For a detailed comparative analysis of the customary laws (Adats) of the peoples of Northern Caucasus, particularly with respect to marriage and the family as a social-economic entity, see category 116, entire source.]

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595 from polygyny is, above all, a shortage of rubles.[43] The same holds for the
593 Avars,[44] and, as we learn from Sveščin,[45] for the other Lesghians as well: the economic factor plays an important part in making polygyny relatively rare. Klaproth found the institution a veritable luxury in Ossetia, being only for the richest of the rich,[46] in full harmony with the Ossetine *adats* which reserve the [587] right for the two richest classes, the princes and the *aldars*.[47] Grabovskij's report[48] that even the *poor* Ingushi were polygamists we have partially explained by obligatory levirate, which was just as much obligatory for the rich as for [605] the poor. Moreover social stratification (which generally coincides with wealth and poverty) was practically non-existent during Grabovskij's visit in Ingushetia (*infra*, pp. 60 f); therefore, if polygyny is to be found among the Ingushi at all, it must be found also among the "poor" class.

[586] Easy divorce may do away with plural marriages as it did in Khevsuria and Svanetia, but in North Caucasia easy divorce plays only a very insignificant rôle compared with economic and biological factors.

§ 2. THE RULES OF ENDOGAMY AND EXOGAMY

000 Lowie defines exogamy as "the rule which prescribes that an individual must find a mate outside of his own group, whether that group be the family, the village or some other social unit."[49] The opposite rule "which makes it compulsory for a man to mate within his group is labeled endogamy." Lowie rightly stresses that it is not the *de facto* marriage within one's own group but the *prohibition* of marrying outside it that constitutes endogamy.[50]

1. The Impediment of Consanguinity

582 Consanguineous marriages are strictly prohibited throughout NORTH-
[614] WEST Caucasus. In his expedition of 1927 Ladyženskij ascertained that the reports of earlier writers about the abhorrence of incest among the tribes of Northwest Caucasia still exists today. Marriages between members of the same sib, regardless of the degree of remoteness, are considered incestuous.[51]

671 Among the NORTHEASTERN peoples the practice is not uniform. Ing-
582 ushian adats are by far stricter than Islamic law in regard to marriages between

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[43] *ibid.*

[44] L'vov, "Domašnjaja i semejnaja žizn Dagestanskich gorcev avarskago plemeni," SSKG, III (1870), p. 20.

[45] D. Sveščin, "Očerk narodonaselenija nravov, i obyčaev Dagestancev," ZKO, II (1853), p. 64.

[46] J. Klaproth, *Voyage au Mont Caucase et en Géorgie*, II, p. 249.

[47] *Leontovič, Adaty kavkazskich gorcev*, II, p. 12, § 10; p. 14, § 27; p. 16, § 40.

[48] "Ekonomičeskij i domašnij byt žitelej gorskago učastka inguševskago okruga," SSKG, III (1870), p. 21.

[49] R. Lowie, *Primitive Society*, p. 16.

[50] *op. cit.*, pp. 16 f.

[51] J. Reinegg, *Allgemeine historisch-topographische Beschreibung des Kaukasus*, II, p. 9; Ladyženskij, FT, p. 198.

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blood-relatives, and although the Ingushi are now Mohammedans they still insist on observing their ancient customary laws rather than the *šarī'a*.[52] The other Chechen tribes are likewise strict exogamists.[53]

The Lesghians however, unlike all other North Caucasians, are, or at least have been till recently, strict endogamists. In their insistance on marriages exclusively within the sib, the Lesghians differ not only from the other North Caucasians but also from the mountain tribes of SOUTH CAUCASIA: the Khevsurs,[54] the Pshavs,[55] the Tushi,[56] and the Svans.[57]

In this regard the Lesghians differ also from their non-Caucasian neighbours. Among the OSSETES even the remotest blood-relationship (usually all living in the same village and bearing the same family name)[58] impedes marriage.[59]

The neighbouring TARTAR tribes are also exogamous.[60] The KALMUCKS may indeed marry within their community but only with non-relatives.[61]

To come back to the Lesghians—the reliability of the reports about their still being strictly endogamous in the nineteenth century is unquestionable. Klaproth, despite his many literary thefts, is generally reliable. He assures us that the Dido "disregard all degrees of consanguinity."[62] L'vov[63] and Abercromby[64] observed the same custom among the Avars. The latter author writes, "With regard to degrees of consanguinity, an Avar is permitted to marry his first cousin or two sisters." Our most reliable sources are Kovalevskij and Egiasarov, on whom Kovalevskij largely depends.[65] In Kovalevskij's *Zakon i obyčaj na Kavkazě* we read that Cvětkov, a government official in Daghestan in 1869, maintained that in the Kurin Province absolutely no marriage was possible outside of one's own *tukhum* (sib). Sotnikov claims that such is the case

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[52] N. Jakovlev, *Ingali*, (Moscow, 1925), p. 49.

[53] M. Kovalevskij, *Coutume contemporaine et loi ancienne*, p. 196.

[54] Essad-Bey, *Der Kaukasus. Seine Berge, Völker und Geschichte*, p. 267.

[55] M. Kovalevskij, *Zakon i Obyčaj na Kavkazě*, II, p. 142.

[56] M. Kovalevskij, *Coutume contemp.*, p. 196.

[57] *ibid.*

[58] When a family breaks from its sib and moves into a strange village, it gradually begins to feel closely related to its new neighbours, sometimes even more closely than to actual blood-relatives who live farther away. Such a family may even change its name and begin to call itself after the sib in whose community it now lives. The tendency of local solidarity to supplant the solidarity of the sib is noticeable throughout the Caucasus. Cf. A. Ladyženskij, "Entstehung und Entwicklung des Staates bei den Bergvölkern des Kaukasus," *Zeitschrift für Völkerpsychologie und Soziologie*, VI (1930), pp. 436, 439, 444. How soon such families would become "blood-relatives" to such a degree that intermarriage would be considered incestuous has still to be investigated by the fieldworkers.

[59] M. Kovalevskij, *Coutume contemp.*, pp. 196, 335.

[60] M. Kovalevskij, l. c.

[61] R. Erckert, *Der Kaukasus*, p. 37.

[62] *Voyage au Mont Caucase et en Géorgie*, II, p. 74.

[63] "Domašnjaja i semejnaja žizn Dagestanskich Gorcev Avarskago Okruga," SSKG, III (1870), p. 18.

[64] *A Trip through the Eastern Caucasus*, p. 97. Unfortunately Abercromby fails to specify whether they were only *permitted* to marry blood-relatives or actually obliged to do so.

[65] M. Kovalevskij, *Zakon*, II, p. 142; *Coutume contemp.*, l. c. Egiasarov's article is not at my disposal, hence I am relying on Kovalevskij's faithful citation of the author.

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trace of this epoch. He goes on to say that the *kalym* was originally a form of bloodwite demanded for bride-stealing, which later evolved into a means of compensating the family of the bride for the loss of a worker. Although Ladyženskij's interpretations are generally good, we connot agree with him in this particular point. It has never been proven that bride-stealing was the original form of marriage anywhere in the world. Moreover, it seems to be much more probable that bride-stealing resulted from the practice of bride purchase rather than vice versa. That *kalym* evolved from bloodwite is very improbable, especially in the Caucasus, because reconciliation by means of bloodwite seems to be a relatively recent substitution for actual blood vengeance.

(2) The various husband-wife avoidances, such as not mentioning the name of one's husband or wife, not using the second person, avoiding all conversation in public, etc. may be an expression of the superior position of the male sex in Caucasian society (cf. *supra*, pp. 152—159).[40]

(3) The parent and parent-in-law avoidance, the obligatory avoidance of older male relatives of the husband, the prohibition of inquiring about the health of the wife's or husband's relatives, and similar practices are difficult to explain.

Parent-in-law avoidances are certainly among the most universal practices known to man. In fact, this form of avoidance is so universal that Lowie does not hesitate to write, "From the extremely wide range of parent-in-law avoidance, the absolute universality of these rules might be conjectured on the ground that, where unrecorded, the customs have merely eluded notice."[41] In Australia, for example, "it was formerly death for a man to speak to his mother-in-law."[42] In New Britain if a man were speaking accidently with his mother-in-law, the horror of the "crime" would most likely lead to suicide.[43]

The interpretation of parent-in-law taboos has baffled all ethnologists, and a satisfactory answer still has not been given. The parent-in-law avoidance has been connected with exogamy and bride-capture;[44] it has been considered a vestige of matriarchy, an expression of awe for the mistress of the household;[45] it has also been considered as a means to prevent improper intercourse. We may have here a case of convergence, based more on human psychology than on any particular institution; nor is there any reason to attribute the same cause for the practice in all parts of the world. This is but another important ethnological problem that waits to be solved.

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[40] The Caucasians seem to be of the opinion that separation is the best means of fostering conjugal love (cf. Leontovič, II, pp. 254 f, § 176).

[41] *Primitive Society*, p. 88.

[42] Howitt, *The Native Tribes of South East Australia*, p. 267.

[43] H. H. Romilly, "The Islands of the New Britain Group," *Proceedings of the Royal Geographical Society*, n. s. IX, p. 9.

[44] Cf. A. H. Post, "Ueber die Sitte, nach welcher Verlobte und Ehegatten ihre gegenseitigen Verwandten meiden," *Globus*, LXVII (1895), pp. 176 f.

[45] Cf. R. Briffault, *op. cit.*, I, pp. 266 f.